

THE HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

W.P. NO. 16310 OF 2005

ORAL ORDER:

The petitioners seek writ of mandamus declaring the action of the respondent in proceeding with the process of evicting them from their lands situated in Sy.Nos. 26, 240, 419/1, 419/2A 419/2C, 419/2D, 414/2, 428/P, 428/4, 419/2B, 421/2B, 421/2A, 421/2A, 417/3, 426/5 and 417/1, at Krishnunipalem Revenue village, Gokavaram Mandal, East Godavari District, as illegal, arbitrary and violative of Articles 14, 21, 31-A(1) and 300-A of the Constitution of India.

The case of the petitioners is that the first petitioner purchased an extent of Ac.7.59 cents in Sy. No. 26, 240, 419/1 & 419/2A, the 2nd petitioner purchased an extent of Ac.4.77 cents in Sy. No. 419/2C 2D, the 3rd petitioner purchased Ac.4.30 cents in Sy. No. 414/2, the 4th petitioner purchased 5.47 cents in Sy. No. 428/P and 228/4, the 5th petitioner purchased an extent of Ac.1.25 cents in Sy.No. 419/2B, 6th petitioner purchased an extent of Ac.3.10 cents in Sy.No. 421/2B and 2A, 7th petitioner purchased an extent of Ac.2.80 cents in Sy. No. 421/2A, the 8th petitioner purchased an extent of Ac.5.30 cents in Sy.No. 417/3 and 426/5 while the 9th petitioner purchased an extent of 2.80 cents in Sy. No. 417/1. The petitioners purchased the lands, which are dry lands, under different registered sale deeds. While so, it is stated that motivated by political pressures, the staff of the respondent are threatening the petitioners to evict them from the lands and in furtherance of the same, on 22.7.2005, the respondent authorities accompanied by their Surveyor went to the petitioners' lands and made certain marking on the land and on query, they replied that the lands would be allotted to other persons after taking

possession from them. Therefore, the petitioners came up with the present writ petition.

Having regard to the assertions made by the petitioners and having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue, without expressing any opinion as to the ownership claimed by the petitioners, the writ petition is disposed of with a direction to the respondent not to interfere with the possession of the petitioners in respect of the lands in question, without following due process of law.

The writ petition is accordingly disposed of. No order as to costs.

Eliphe Dharma Rao, J.

July 27, 2005

MAS.